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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,514	12/19/2005	Neville Simeon Conrad	BKYZ 2 00109	9365
27885	7590	11/16/2007		
FAY SHARPE LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER PATEL, DHIRUBHAI R	
			ART UNIT 2831	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/535,514

Applicant(s)

CONRAD, NEVILLE SIMEON

Examiner

DHIRU R. PATEL

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 9/14/07 LRB
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18, 22 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a wall and more than half of a surface area of the wall is perforated recited in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The examiner suggests showing a reference for a wall and more than half of a surface area of the wall is perforated.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR  
DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A  
COMPACT DISC.

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

**(i) DETAILED DESCRIPTION OF THE INVENTION.**

**(j) CLAIM OR CLAIMS (commencing on a separate sheet).**

**(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).**

**(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A**

**“Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).**

**3. The amendment filed 9/14/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In claim 1 lines 4-5 “ the cable retaining member including a wall, wherein more than half of a surface area of the wall is perforated ”.**

**Applicant must refer to the specification by page and lines number in the original specification and to the drawing, if any, by reference characters to provide support for claim 1 lines 4-5.**

**Applicant is required to cancel the new matter in the reply to this Office Action.**

**4. The amendment filed 3/9/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no**

amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure, is as follows:  
In claim 24 lines 1-9, " a receptacle .....the associated electrical plug appliance."  
In claim 26 lines 1-4, " a receptacle ..... the stand member ".

. Applicant must refer to the specification by page and lines number in the original specification and to the drawing, if any, by reference characters to provide support for claim 24 lines 1-9 and claim 26 lines 1-4.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a flexible cable retaining member , the specification does not reasonably provide enablement for the cable retaining member including a wall, wherein more than half of a surface area of the wall is perforated . The original specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or assemble the invention commensurate in scope with the claim. The original specification doesn't reasonably disclose the claimed subject matter of claim 1, and therefore the subject matter of claim 1 is not enabled by the original disclosure of the invention. The applicant is required to cancel the claim or provide a reasonable explanation of why they feel the specification supports the subject matter as disclosed in claim 1. Applicant must

**refer to the specification by page and lines number in the original specification and to the drawing, if any, by reference characters to provide support for claim 1.**

**The examiner also notes that MPEP 2163.05 also states:**

**The failure to meet the written description requirement of 35 U.S.C. 112, first paragraph, commonly arises when the claims are changed after filing to either broaden or narrow the breadth of the claim limitations, or to alter a numerical range limitation or to use claim language which is not synonymous with the terminology used in the original disclosure to comply with the written description requirement of 35 U.S.C. 112, para. 1, or to be entitled to an earlier priority date or filing date under 35 U.S.C. 119, 120, or 365(c), each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure.**

**Please note that inventor is responsible for providing element number for each claimed invention as well as for providing page number, figure number, element number, and column with lines number in the original specification for claim 1 to verify and in compliance with statute 35 USC 112 first paragraph defined in MPEP and Please note that the claim 1 must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claim 1 must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description, see MPEP 608.01 (d)(1).**

**6. Claim 29 is rejected under 35 U.S.C. § 102(b) as being anticipated by Gresham et al (6,701,677).**

**Gresham et al disclose:**

Regarding claim 1, a receptacle for an associated electrical cable 34 (see fig 3) comprising a substantially rigid stand member 20; a flexible cable retaining member 44,45 mounted to the stand member (see fig 2 and entire column 3); said cable retaining member comprising a net 28 (see fig 2 and entire column 3); and the stand and the cable retaining member cooperate to resiliently retain the associate cable between them (see figs 3-4 and entire column 2).

7. Claim 29 is rejected under 35 U.S.C. § 102(b) as being anticipated by Saylor et al (6,192,805).

**Saylor et al disclose:**

Regarding claim 1, a receptacle for an associated electrical cable 14 (see fig 3) comprising a substantially rigid stand member 13 carrying a flexible cable retaining member <sup>10 RB</sup> mounted to the stand member, said cable retaining member comprising a net (see figs 3-4) ; and the stand and the cable retaining member cooperate to resiliently retain the associate cable between them (see figs 2 and 5, column 2 lines 65-67 and column 3 lines 1- 65).

***Allowable Subject Matter***

8. Claims 1-18, 22 would be allowable if rewritten to overcome the rejection(s) under the drawing objection, 112 first paragraph rejections and the specification



objections, set forth in this Office action, and search in EAST.EPO, JPO, DERWENT, PGPUB AND USPAT.

9. Claims 24-28 would be allowable if rewritten to overcome the rejection(s) under the specification objections, set forth in this Office action, and search in EAST.EPO, JPO, DERWENT, PGPUB AND USPAT.

The following is a statement of reasons for the indication of allowable subject matter: **The primary reasons for the indication of the allowability of claims 1-18, 22 and 24-28 are the inclusion therein, in combination as currently claimed, of the limitation of the receptacle comprising: The cable retaining member including a wall, wherein more than of half of a surface area of the wall is perforated (for claims 1-18 and 22) and one piece substantially rigid stand member including a generally horizontal portion, a generally vertical portion, and a curved trough portion (for claims 24-28) .**

**The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.**

#### ***Response to Arguments***

10. Applicant's arguments filed 9/14/07 have been fully considered but they are not persuasive. \*Specifically , the applicant argues the following:

A) Amendment to claim 1 can be found in paragraph 4 of the present application as well as Figures 1-7 and 10-14; figure 7 illustrates the flexible retaining member 3 having a wall and surface area.

With respect to argument A, the examiner respectfully traverses because the specification does not disclose the amended claimed subject matter (for claim 1) as well as drawings do not show a wall and a wall surface. It is noted that figure 7 does not show more than half of a surface area of the wall is perforated.

**B) It is noted that the disclosure does not mentioned about paragraph 20 and also noted that the inventor has not mentioned about item 1 of the office action mailed on 6/11/07 in remarks.**

#### **Contact Information**

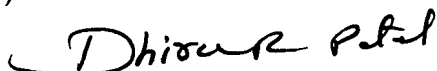
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DHIRU R. PATEL whose telephone number is 571-272-1983. The examiner can normally be reached on M-TH, 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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DHIRU R PATEL 11/11/07  
Primary Examiner  
Art Unit 2831

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